

Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell

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Mullin  
Murphy (PA)  
Newhouse  
Noem  
Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Pittenger  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas  
J.  
Ros-Lehtinen  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
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Sanford  
Scalise  
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Scott, Austin  
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Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
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Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
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DeSaulnier  
Deutch  
Dingell  
Doggett

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Shuster  
Simpson  
Smith (MO)  
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Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
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Tenney  
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Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

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Sewell (AL)  
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Sherman  
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Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants” (published at 81 Fed. Reg. 50298 (August 1, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and the gentleman from Massachusetts (Mr. NEAL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

## GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 42, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Next Wednesday, February 22, will mark 5 years since the Middle Class Tax Relief and Job Creation Act was signed into law. This 2012 law has made important reforms in the unemployment insurance system, improvements that were specifically designed to help more out-of-work Americans successfully return to the workforce.

## □ 1330

This included a key provision which overturned a 1960s-era ban by the Department of Labor on drug screening and testing of unemployment insurance applicants.

Unemployment insurance serves those that have lost their jobs through no fault of their own. It seeks to promote swift reemployment through several key requirements. Namely, to be eligible for unemployment insurance benefits, applicants must be able to work, available to work, and actively seeking work. So if a worker loses his or her job due to drug use, that worker is not truly able to work. In addition, if a worker cannot take a new job because they can't pass a mandatory drug test from their employer, this worker is not truly available to work either.

In recognition of this issue, the 2012 Middle Class Tax Relief and Job Creation Act allowed but did not require States to drug screen and test certain unemployment applicants, specifically those seeking a job or an occupation that regularly required new employees to pass a drug test. I was proud to lead this effort in 2012 because I knew it would have a meaningful impact on the lives of many Americans struggling with drug use.

The goal is simple: get the incentives right in unemployment insurance so that Americans can confront and overcome these challenges.

With a growing number of employers now requiring drug tests for new workers, we wanted to empower these out-

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

## □ 1325

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 127

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

- (1) COMMITTEE ON ETHICS.—Mr. Cohen.
- (2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Sarbanes.
- (3) COMMITTEE ON SMALL BUSINESS.—Mr. Schneider.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 99, I call up the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 99, the joint resolution is considered read.

The text of the joint resolution is as follows:

## H.J. RES. 42

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress disapproves the rule submitted by the Department of Labor relating to “Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of

Lofgren  
Lowenthal  
Lowey  
Lujan Grisham,  
M.  
Luján, Ben Ray  
Maloney,  
Carolyn B.  
Maloney, Sean  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Moulton  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
Norcross  
O'Halloran  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
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Rosen  
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Ruppersberger  
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Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
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Scott (VA)

Doyle, Michael  
F.  
Ellison  
Engel  
Eshoo  
Español  
Esty  
Evans  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loebach

of-work Americans to be ready to pass that drug test, take that new job, and get back on the path to earning their own success.

My home State of Texas was one of the first to step up when this provision was established by the 2012 law. They even changed their own laws to get ready. But before this provision could be implemented by States, the law required the Department of Labor to issue a regulation defining those occupations that regularly conduct drug testing. The intent was to match real-world expectations from employers.

In a 2012 hearing of the Committee on Ways and Means' Human Resources Subcommittee, an official from the Department of Labor assured us the rule could be drafted quickly and according to congressional intent. Well, despite those assurances, months went by with no action from the Obama administration.

During that time, the Ways and Means Committee held another hearing on this issue and even sent a letter to the Department of Labor in anticipation of the regulation. We urged them to craft the rule broadly, which was consistent with what we were hearing from businesses.

In October of 2014, more than 2 years after the law was passed, the Department issued its proposed rule. Counter to our recommendations, the draft rule was incredibly narrow. So narrow, in fact, that States like Texas would be severely limited in their ability to successfully implement an unemployment insurance drug testing program.

Again, the Ways and Means Committee made our concerns known to the Obama administration by submitting a public comment on the draft rule, calling for significant revisions. We made clear that the proposed rule did not faithfully adhere to the intent of Congress, and these same concerns were also echoed in other public comments from prominent stakeholders.

Two more years went by. Meanwhile, Congress continued to press the administration to revise the rule so it followed the intent of the bipartisan law.

That brings us to August of last year, when, at long last, the Department of Labor published its final rule. And just like the proposed rule 2 years earlier, it ignored the intent of Congress. It disregarded most of the comments and the concerns of stakeholders. Above all, the final rule directly undermined the ability of States to implement this important bipartisan reform that would help unemployed workers in their quest to find a good-paying new job.

So on his way out of office, former President Obama flat out refused to implement the law he signed in 2012. Instead, he directed the Department of Labor to issue a regulation that effectively blocks States from taking action.

Mr. Speaker, the American people are sick of Washington not keeping its promises. They are sick of unaccountable Federal bureaucrats abusing their

authority to undercut the will of Congress and the American people. And this eleventh-hour regulation by the Obama Department of Labor is a prime example of just that.

The debate we are having today is not about the merits of drug testing unemployment insurance applicants. That is now for the States to decide because, in 2012, Congress passed a law providing them—not the Federal Government—with the ability to do so.

This debate is about placing a check and balance on blatant executive overreach that all but prohibits States from moving forward with this reform. More importantly, it is about ensuring that the will and the intent of this body is upheld.

In closing, I thank the House for its consideration of H.J. Res. 42. I urge all my colleagues to join me in supporting its passage.

Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska (Mr. SMITH) be permitted to control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 42, a measure disapproving the rule submitted by the Department of Labor regarding drug testing unemployment compensation applicants. This legislation would overturn a Department of Labor regulation which, as directed by the Middle Class Tax Relief and Job Creation Act of 2012, defines the occupations in which States may require unemployed workers to take drug tests as a condition of collecting earned unemployment benefits. Consistent with the Fourth Amendment, which protects us against searches without reasonable cause, the regulation limits drug testing to occupations where drug testing is required, like pipeline safety, some transportation operators, and jobs that require carrying a gun.

Many communities are facing a rising rate of drug use, including my hometown of Springfield. Congress could and should do more to help people struggling with addiction, but the legislation that we are debating today has nothing to do with fighting drug abuse. It is about allowing States to put one more time-consuming, humiliating obstacle in the way of Americans who work hard and were laid off from their jobs and need unemployment insurance to pay the bills while they look for new jobs. As a reminder, in the aftermath of the recession, the unemployment rate in America went to 10 percent.

There is no evidence that unemployed workers have higher rates of drug abuse than the general population. In fact, logic suggests that rates of serious drug abuse are lower.

To be eligible to collect unemployment, a worker must have substantial, recent work experience. He or she must not have been fired for cause. And workers can only collect unemployment insurance if they demonstrate they are actively searching for work.

Instead, it appears that some States may be trying to limit the number of workers who collect unemployment insurance when they are laid off as a way to reduce pressure on underfunded unemployment trust funds. More than half of the State unemployment trust funds are still insolvent, years after the Great Recession.

Dozens of States have changed their eligibility criteria for unemployment benefits, imposed administrative hurdles to filing for unemployment, or cut the number of weeks benefits can be received while individuals search for a job. Partly because of those changes, only about one in four unemployed workers in the United States receive unemployment benefits, even though the vast majority of them worked for employers who paid unemployment payroll taxes on their wages. That is the lowest level of benefit receipt among laid-off workers since the Federal-State unemployment insurance program began.

Instead, we should be here crafting bipartisan policies to strengthen unemployment insurance protections to help workers who genuinely want to work to pay their bills while they are looking for new jobs. I remind our colleagues to look at the worker participation rate, not encouraging States to create more obstacles.

I hope that both sides of the aisle will vote "no" on this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. DANNY K. DAVIS) control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.J. Res. 42 disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

The goal of the 2012 bipartisan law signed by President Obama in February 2012 is to reassure employers who fund the unemployment compensation system that unemployment compensation claimants reentering the workforce are truly able and available for work.

When I speak with employers in Nebraska's Third District, they express a strong desire to hire individuals in a way that is beneficial for both the employer and the employee.

According to UWC, the national association representing businesses in the areas of unemployment compensation

and workers' compensation: "The regulations adopted in final form not only severely limited the circumstances under which a state may conduct a drug test, but also unduly limited the types of tests that a state would be permitted to conduct. . . ."

States, which are responsible for administration of the unemployment compensation program, are also concerned.

Back in 2014, Wisconsin Governor Scott Walker wrote to the Secretary of Labor saying: "Providing States more flexibility in defining occupations that regularly conduct drug testing not only better serves the public interest, but recognizes the unique labor force and diversity in industry in each State."

In recognition of the support we have received from employers who fund the system and States which administer it, I include in the RECORD their letters of support.

FEBRUARY 10, 2017.

Hon. KEVIN BRADY,  
*Chairman, House Ways and Means Committee,*  
*Washington, DC.*

DEAR CHAIRMAN BRADY: We write to you today in support of H.J. Res. 42, your legislation that would disapprove of the United States Department of Labor's recent regulation regarding states' ability to drug test individuals who apply for unemployment insurance (UI).

Congress authorized the Labor Department to craft a rule that would provide states the option to drug test unemployment insurance applicants. Unfortunately, the Obama Administration drafted the rule too narrowly, undermining the intent of Congress and permitting drug testing in too few instances.

Drug testing UI applicants can help individuals suffering from substance abuse to access necessary care and treatment so they may re-enter the workforce as healthy and productive members of society. We believe this rule should be replaced with a new rule that allows increased flexibility for states to implement UI drug testing that best fits the needs of each state.

Thank you for introducing this important legislation and we look forward to working with Congress on this issue going forward.

Sincerely,

SCOTT WALKER,  
*Governor of Wisconsin.*

GARY R. HERBERT,  
*Governor of Utah.*

GREG ABBOTT,  
*Governor of Texas.*

PHIL BRYANT,  
*Governor of Mississippi.*

STATE OF NEBRASKA,  
OFFICE OF THE GOVERNOR,  
*Lincoln, NE, February 14, 2017.*

Re H.J. Res. 42—Drug Testing of Unemployment Compensation Recipients.

Hon. ADRIAN SMITH,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSMAN SMITH: Thank you for being a co-introducer of House Joint Resolution 42. The regulations which H.J. Res. 42 seeks to disapprove greatly exceed the authority granted to the U.S. Department of Labor under Section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

The U.S. Department of Labor regulations effectively limit the application of P.L. 112-

96 authorized drug testing to the point that a state is, for all practical purposes, prevented from adopting a meaningful drug testing program for unemployment compensation claimants. These regulations are an exhibit of executive overreach where the U.S. Department of Labor effectively seeks to block the implementation of an Act of Congress.

I thank you for your efforts to restore to the states their right to enact drug testing requirements for unemployment compensation claimants.

Sincerely,

PETE RICKETTS,  
*Governor.*

—  
UWC,  
*Washington, DC, February 7, 2017.*

Hon. KEVIN BRADY,  
*Chairman, Committee on Ways and Means,*  
*House of Representatives, Washington, DC.*

Hon. RICHARD NEAL,  
*Ranking Member, Committee on Ways and Means,*  
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN BRADY AND RANKING MEMBER NEAL: I am writing on behalf of UWC—Strategic Services on Unemployment and Workers' Compensation (UWC) in support of Resolution H.J. Res 42 that would disallow the final regulations posted by the United States Department of Labor on August 5, 2016.

UWC is a national association representing business, specifically in the areas of Unemployment Compensation and Workers' Compensation. UWC members include many Fortune 500 companies as well as business associations and small businesses impacted by unemployment law and policy.

The regulations as posted in final form are inconsistent with the intent of Congress in enacting the Middle Class Tax Relief and Job Creation Act of 2012 and unduly restrict state agencies choosing to test applicants for the use of controlled substances.

Drug testing is a critical requirement of employment in many industries and generally in determining whether a prospective employee will be able to perform the responsibilities of work for which the individual has applied. The results of drug tests are also indications of whether an individual is able to work and available to work so as to be eligible to be paid unemployment compensation.

It is a federal statutory requirement of administrative grants to states that as a condition of being paid unemployment compensation for a week or weeks an individual must be able to work, available to work, and actively seeking work. The additional authority provided in Section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012 permitted states to test for controlled substances consistent with the able to work and available to work requirements that were also included in the act.

The regulations adopted by the U.S. Department of Labor were so narrowly drawn as to severely limit states from electing to provide for drug testing of applicants. By limiting the time within which a test may be conducted to the period between the date of application and the date at which the applicant began to claim a week of unemployment compensation, such a test would be less likely to connect a positive drug test with a subsequent week of unemployment compensation that could be claimed up to 52 weeks after the date of initial application.

The effect of such an interpretation is to render a test useless for weeks claimed many weeks after the individual became unemployed and prohibit testing for the weeks of unemployment compensation as they are claimed.

The regulations adopted in final form not only severely limited the circumstances under which a state may conduct a drug test, but also unduly limited the types of tests that a state would be permitted to conduct, the claimants that could be tested, and the occupations with respect to which tests could be conducted.

A number of states have indicated an interest in enacting legislation consistent with federal law to permit drug testing, but the severe limitations imposed by the regulations have frustrated administration of drug testing as part of the UI administrative process.

Employers pay the federal and state unemployment taxes required to fund administration and benefits paid through the Unemployment Insurance system. Drug testing of UI claimants should be permitted as part of proper administration by states to assure that only eligible claimants are paid and that unemployed workers are able and available to work to meet workforce needs of employers.

Thank you for the opportunity to express our support for H.J. Res 42.

Sincerely,

DOUGLAS J. HOLMES,  
*President.*

—  
SECRETARIES' INNOVATION GROUP,  
*Milwaukee, WI, January 31, 2017.*

KEVIN BRADY,  
*Chairman, Committee on Ways and Means,*  
*House of Representatives, Washington DC.*

DEAR CHAIRMAN BRADY: I am writing you on the topic of drug screening and testing of Unemployment Insurance claimants in my capacity as the Executive Director of the Secretaries' Innovation Group, after consultation with Texas Workforce Commission Executive Director Larry Temple and workforce secretary members of SIG on a recent national conference call. As you know, the Secretaries' Innovation Group is a network of state workforce and human service secretaries from states with Republican governors making up about half of the country. We meet to exchange state program innovations and opportunities and to press for national policies favoring work, healthy families, federalism and limited government.

By way of background, in 2012, the bipartisan Middle Class Tax Relief and Job Creation Act made a number of reforms to the UI program, including overturning a 1960s-era DOL ban on the screening or testing of UI applicants for illegal drugs. The 2012 provision allowed (but did not require) states to test UI applicants who either (1) lost their job due to drug use, or (2) were seeking a new job that generally required new employees to pass a drug test. However, in implementing this law through regulation, DOL issued an overly prescriptive final regulation making it almost impossible for most states to implement the provision.

Our SIG state secretaries who run UI, WIOA and welfare to work programs routinely meet with employers to seek their input as to what characteristics they require to meet their business needs. By far the most common stated requirements are requests for individuals who are reliable and can pass a drug test. Therefore it is highly important that states to have the ability and authority to operate drug screening and testing. It is also important they have the option to condition UI benefits on cooperation in such tests and to mandate treatment, if and when necessary, on a case by case basis. States do not have the ability to operate this way under the current restrictive regulation promulgated by the Department of Labor.

During the national conference call with SIG workforce secretaries to discuss drug screening and testing which took place on

January 24th and included TX, AL, AR, ID, KS, ME, MD, MS, NE, NM, NH, NV, ND, OH, OK, UT, WI, WY, none of the secretary participants endorsed the DOL rule in question as written.

We hope the Congress will take up this issue and permit states who wish to do so the ability to implement screening and testing of UI claimants with the flexibility intended by Congress.

Yours truly,

JASON TURNER,  
*Executive Director.*

Mr. SMITH of Nebraska. Mr. Speaker, as Chairman BRADY highlighted earlier, Members of this body have clearly stated their intent time and time again over the last few years through letters, hearings, public comments, and meetings. Yet, the Department of Labor has continued to push Congress' concerns to the side and legislate from the executive branch.

Supporting this resolution means supporting the role of Congress to write laws and for them to be implemented as intended.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Workers collecting unemployment benefits earned their benefits by working hard. Workers only receive benefits if they are out of work through no fault of their own and are actively searching for new jobs.

There are considerable challenges facing our unemployment system. More than half of the State trust funds, including that in my home State, are insolvent and could only pay earned benefits for a short period of time if a recession hits. Only about one in four unemployed workers currently receives unemployment insurance benefits. Some States have cut benefits, increasing the chance that workers will exhaust benefits before finding jobs. H.J. Res. 42 does not address these challenges.

There are also real problems with drug use in this country and a severe shortage of treatment options for those who need them. H.J. Res. 42 does not address these problems either.

Instead, we are considering a policy that slanders unemployed workers by assuming that they are drug users; that ignores all research showing that drug use is not higher among unemployed workers than in the general population; and that violates the constitutional protection against illegal search and seizure, a protection that courts have clearly said exists regardless of whether one receives public benefits.

The statutory provision that has required this regulation was appropriately limited to a very narrow group of workers, those for whom finding suitable work required a drug test.

Counter to some GOP arguments, this resolution is not about helping those with drug problems get treatment. It is about cutting benefits. States with drug-testing provisions do

not pay for expensive treatment services for those who test positive. Moreover, workers cannot receive benefits while in treatment because they are not actively seeking work. Thus, they lose their earned unemployment benefits.

Congress should be helping communities suffering from high unemployment, addressing persistent long-term unemployment, aiding workers in upgrading their skills to get good jobs. Congress should be strengthening our unemployment insurance system to make sure it is ready to respond in the next recession.

□ 1345

We should not encourage States to waste resources on an unconstitutionally-based drug testing requirements for struggling unemployed workers who claim benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise today in strong support of H.J. Res. 42. This resolution is the latest effort in the House to undo the wave of bureaucratic overreach from the Obama administration.

Five years ago, Congress passed a bipartisan law that included a common-sense provision giving the States flexibility to drug test some applicants for unemployment insurance.

Instead of following the law Congress passed and allowing—not requiring—States to implement the policies right for their citizens, the Obama administration decided to tie States' hands. It issued a regulation that left no flexibility for States, the opposite of the bipartisan law Congress passed.

Mr. Speaker, frankly, it is sad that we are even here today. This all could have been avoided if the Obama administration had simply followed the congressional intent, but yet here we are.

I support this resolution, and I urge my colleagues to do the same.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), former chairman of this committee and, certainly, a former ranking member on this side.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, at the onset of the Great Recession, our unemployment insurance system was completely inadequate. Democrats took the lead, against increasing Republican opposition, to improve the system and to provide unemployment benefits to Americans who lost their jobs through no fault of their own. The result was an emergency Federal unemployment compensation program which helped more than 24 million people.

Research from a broad array of experts shows these Federal UI benefits,

in combination with State-provided benefits, saved more than 2 million jobs, prevented 1.4 million home foreclosures, and kept an estimated 5 million Americans out of poverty. In short, a strong unemployment insurance system helped prevent the Great Recession from turning into another Great Depression.

Today, our unemployment insurance system is again inadequate and totally unprepared to respond to a future recession; and once again, rather than stepping up with solutions, Republicans' answer to working people is a cold shoulder. Instead of responding to the deterioration of our unemployment insurance system, Republicans today want to shame and blame Americans who have lost their jobs through no fault of their own, while also violating their constitutional rights.

Here are the real problems this legislation completely ignores:

Number one, only one out of every four jobless Americans now receives unemployment benefits, near a record all-time low.

Two, eight States have cut back on the maximum number of weeks of benefits available for unemployed workers, including my home State of Michigan.

Three, the value of UI benefits has declined over time, with 30 States now having maximum UI benefits that are less than half of the State's average weekly wage.

Four, the triggers for the federally funded Extended Benefits program, EB, are extremely out of date, so they do not turn on when unemployment begins to rise significantly.

Five, our Nation's UI system is underfunded, with only 18 States' funds reaching a minimum level of adequate solvency, according to a 2016 DOL report.

Six, the Federal UI trust funds, which support extended benefits during downturns in the economy, have a deficit of over \$8 billion, hurt by the majority's decision to allow part of the revenue stream to those funds to expire in 2011.

Seven, our spending on workforce development as a percentage of GDP is now only one-seventh of its 1979 peak; and since 2010, Republicans in Congress have cut workforce education programs by \$400 million. So we are doing less to help the unemployed while they look for work and less to help them prepare for a new job.

Today's bill ignores these problems completely and, instead, attempts to demean those needing help. In discouraging access to unemployment benefits, it reminds me of a massive problem we have uncovered in Michigan that involved at least 20,000—and perhaps many more—UI claimants being wrongly accused of fraud and ordered to pay huge penalties.

We should be focusing today on ensuring our UI system is ready for the great challenge, not to mention helping Americans who are seeking work right now. Instead, this majority has

brought up this misguided bill, and I urge all Members to oppose it.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SMITH).

Mr. SMITH of Missouri. Mr. Speaker, I rise in support of H.J. Res. 42, to eliminate the Obama administration's intentionally unfaithful execution of our laws.

Make no mistake, Mr. Speaker, the previous administration knew exactly what they were doing when they wrote this regulation. President Obama signed off on the underlying law to allow States to drug test certain unemployment insurance recipients, then he worked to block its implementation. Today, we will vote to end President Obama's obstruction.

Instead of faithfully executing the law, as our Constitution demands, the Obama administration effectively blocked States from making sure hard-working taxpayer dollars only go to deserving citizens.

The Congress spoke in 2012, before I arrived here, but here is what happened. Congress spoke, and the President signed a bill into law to give States an option—not a mandate, an option—to drug test.

I stand today to say let's roll back and undo our previous President's unfaithful execution of the law and allow States like Missouri to have the freedom to decide for themselves. This is not a mandate; this is simply about states' rights.

Mr. Speaker, I urge my colleagues to vote in support of this joint resolution.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), a tireless protector of the rights of individuals.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to voice my strong opposition to H.J. Res. 42.

I think most Americans are tired of hearing about what President Obama did or didn't do while, at the same time, it seems like it has been years since we had his stable leadership and we have been proceeding under the chaos of the current administration. It seems like much longer than 25 days.

But I will tell you, the campaign is over. It was a long campaign. Throughout the entire campaign, the Republicans controlled both Houses of Congress, House and Senate, and we had the President who was a Democrat. So the Republicans complained that they weren't able to do anything and they needed a Republican President.

Now they have a Republican President, and what have they done during this last 25 days in terms of a jobs bill? Not one, not one job created in the last 25 days.

If the public goes back and looks over the calendar of proceedings for this body, they will find that it has simply been one regulatory bill after another, to change a regulation that was set during the Obama administration. That is all we have been doing over the

last 3-plus weeks is trying to reverse regulations—not one affirmative bill that establishes one job.

So what are they doing? They are kind of dancing for the American people, while the House burns, while the President is conducting foreign policy at Mar-a-Lago, in the open air, to impress all of his well-heeled friends that have paid \$100,000 and now have to pay \$200,000 to join his club, while we should be overseeing the operations of the Trump Hotel and who is paying millions of dollars to reserve banquet facilities in that taxpayer-owned location.

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The time of the gentleman has expired.

Mr. DANNY K. DAVIS of Illinois. I yield the gentleman an additional 2 minutes.

Mr. JOHNSON of Georgia. Those are the issues that the American people certainly would be interested in knowing, what is happening with their property.

But instead of creating a jobs bill, what we are dealing with here is a measure that would repeal a Department of Labor rule that limits which unemployment compensation applicants can be tested for drugs.

Supporters of this resolution are suggesting that there is a nexus between losing your job and being unemployed and illicit drug abuse. However, there is no evidence that suggests higher drug use among unemployed workers compared to the general population; though I will concede that it has been a time-honored tradition that when you lose your job, you go down to the local bar and drown in a glass of beer.

But nobody is talking about disabusing alcohol abuse with this legislation—no alcohol testing, just drug testing.

Why?

It is because they want to get at a certain group of people who they want to deprive of the ability to receive the unemployment compensation that they have paid in and earned.

It is penny-wise and pound-foolish to take away the financial security for people who have the least. That is the only thing they have, and you are going to take it away from them and make them pay for the drug test, too. It is ridiculous.

We should be considering legislation that would create jobs and address economic disparities, but instead, we are looking to roll back provisions that undergird the financial security of the most vulnerable among us. I would ask that my colleagues oppose this H.J. Res. 42 and get on with the business that matters most to the American people.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOHIO).

Mr. YOHIO. Mr. Speaker, I rise today in support of H.J. Res. 42, and I thank Chairman SMITH for taking the lead in fighting for American workers with this commonsense piece of legislation.

I believe there has been a misconception about the intent of this CRA. Congress is not acting because we have a malicious intent to punish American workers. We are not even trying to disincentivize them from participating in the program.

My colleague, Mr. DAVIS, said we should strengthen our programs, and what we are attempting to do is exactly that: strengthen the system that is intended to help unemployed Americans and allow them to prepare to re-enter the workforce.

The 2012 Middle Class Tax Relief and Job Creation Act made commonsense reforms to the unemployment insurance system with the goal of assisting Americans in returning to gainful employment. Yes, this included allowing States, like my own of Florida, to determine whether or not they wanted to include drug screening and test unemployment insurance applicants. And, yes, the law specifically stated two conditions: if the applicant had lost their job due to drug use and if they were seeking a new job that regularly required new employees to pass a drug test.

Now, when the Department of Labor drafted the rule, they clearly went beyond the intent of Congress and tailored it too narrowly. This will only hurt prospective employees in the long term.

The rule covers occupations such as those that require the employees to carry firearms, flight crews, transportation, and the like.

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The problem here is that employers in occupations outside of this narrow scope also regularly require drug testing of their employees.

So under this rule, unemployed Americans who are using and looking for employment outside of the specific occupations outlined in the rule could potentially find employment in a different industry, be drug tested, and subsequently terminated.

How is this helping American workers? It doesn't make sense to me, and it shouldn't make sense to any of my colleagues either. This is a bad rule, and it needs to be repealed so the Department of Labor can go back to the drawing board and craft a rule that will actually strengthen the unemployment insurance, help the American worker, and ultimately strengthen the economy.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first, let me thank Congressman DAVIS for yielding and for his tireless advocacy on behalf of the most vulnerable everywhere.

I rise in strong opposition to H.J. Res. 42, which is really another baseless attack on the poor, on low-income individuals, and on the unemployed. Drug testing unemployed individuals is downright wrong.

Let me be clear. This resolution is another way for Republicans to stop

workers from claiming their right to unemployment benefits. It also is a scare tactic that flies in the face of facts.

First, there is no evidence that people who receive public assistance use drugs any more frequently than those in the general population. Unemployment compensation, mind you, is not public assistance.

By unnecessarily drug testing jobless workers, we are throwing them out in the cold when they are simply trying to get back on their feet.

Mr. Speaker, workers receive unemployment benefits because they worked hard, they played by the rules, and they were laid off through no fault of their own.

More importantly, working people have earned their right to apply for these benefits. They pay into the program. Their constitutional rights should not be violated.

I also know that people want to work. People don't want to be on unemployment insurance. They want to provide for themselves and their families.

Let me remind you, there is an opioid and heroin drug epidemic in this country, and it not only affects Democrats, this drug crisis is affecting Republicans, Independents—everyone. Yet, once again, you are throwing them out in the cold.

Instead of passing this appalling resolution—and this resolution is appalling—we should be expanding job training, unemployment benefits for all, and provide resources for drug treatment. It is hard to believe that you want to punish people. That is what this resolution really does. It punishes people for working. That is really a shame and disgrace.

So I strongly oppose this bill. I urge my colleagues to vote “no,” and I also urge you to encourage people to work, to provide those job training resources and drug abuse resources for our mental health centers, for our drug counseling centers, and for everyone who needs treatment rather than drug testing to keep them from getting a job.

Mr. SMITH of Nebraska. Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE) who had an office next to mine for many years. I know she has tremendous commitment, energy, and fortitude.

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished gentleman, and I thank the manager of this legislation. But my distinguished friend, Mr. DAVIS, and I have worked on societal issues dealing across the gamut, and the respect that he holds in the communities across America that recognize that second chances, unemployment compensation, summer jobs, and a whole manner of opportunities for individuals to restore their lives is the right way for America to go.

In the backdrop of an executive order that saw one of my constituents, a 16-

year-old with proper papers coming in from Jordan, held for 50 hours at George Bush Intercontinental Airport, in defense of those employees that I respect, CBP, they had no information how he got in, but they took this young man. Lo and behold, he wound up in Chicago because he didn't speak English, and that was the only bed they have.

Why am I mentioning this? I am mentioning this because sometimes government gets it wrong. They get it wrong. This disapproval is wrong.

What did happen was right, because what happened was that this rule didn't just pop up in the administration, meaning the Obama administration. It came about through a compromise—an intelligent compromise—dealing with middle class tax relief and job creation. Because at that time, there were people who randomly wanted to drug test, but wise individuals said this, they said that you could allow drug tests if you had lost your job or you are a drug user, so we want to get you right; therefore, you could be tested.

Some people agree to disagree, but that is reasonable. Or that the job that you were looking for or had a job that required the kind of criteria and the kind of skills that drug use would impair or impact, that makes sense.

But now you are talking about someone at the lowest ebb of life, losing jobs through no fault of their own, giving States that may be sensitive to human needs or reckless the ability to randomly test people because they lost their jobs, because they have been defeated.

Well, I know it is too late, but maybe we should amend for Congresspersons, Senators, and Governors who get unelected. They lost a job; didn't they? It doesn't make sense.

I rushed to the floor. We are in the Judiciary Committee addressing the question of how we are going to utilize the oversight plan, whether we want to investigate and fix for the American people this horrible scenario of the Russian involvement in the elections and the connection to the present administration.

We want to fix things, but what you are doing here is that you are casting a bad light on people who are in need. I just want to say States have the ability to administer drug testing, and this change would needlessly shift employer costs to the States. State unemployment programs already penalize job-related drug use.

The SPEAKER pro tempore (Mr. WEBSTER of Florida). The time of the gentlewoman has expired.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman.

Twenty States also explicitly deny benefits for any job loss connected with drug use or a failed drug test. In addition, six States—Arizona, Arkansas,

Indiana, South Carolina, Tennessee, and Wisconsin—passed legislation equating a failed or refused preemployment drug screen for refusing suitable work. We are already condemning everybody. Other States have other programs. This is not one that falls under the 10th Amendment.

But the specialist drug testing of government-benefit recipients likely violates the Fourth Amendment, and it is cruel and inhuman treatment.

I ask my colleagues to reject this cruel and inhuman treatment of individuals who, through no fault of their own, are unemployed or they may be poor or they may be needing public assistance. Let America's humanity shine. Vote “no” on the bill.

Mr. SMITH of Nebraska. Mr. Speaker, I want to hopefully draw some attention to the fact that we have a problem on our hands. We have a problem with the Federal Government going too far, and we have a problem with the State governments coming to us as policymakers at the Federal level wanting to help their own constituents, their own citizens in need. Right now the Federal Government stands in the way.

It is time for us as policymakers hopefully to act in a responsible fashion to assist States in their need and their desire to help their own citizens. States are better at that than is the Federal Government, and I hope that we can empower the States to help their own constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, as I prepare to close, let me just, first of all, thank the more than 40 organizations who have sent letters in opposition to this legislation, especially the African Methodist Episcopal Church, the African American Ministers in Action, National Association for the Advancement of Colored People, and many others. They have sent letters because they have a will to help, not a will to hurt. They have a will to assist. They know that the individuals we are talking about have lost their jobs, their opportunity to work, and their connection, in many instances, with humanity.

I would urge that we do everything in our power to help them find their way back and not hurt them. Therefore, I would urge all of my colleagues to oppose this legislation and vote “no.”

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since the law was enacted some 5 years ago, Members of this body have clearly stated their intent time and time again through letters, hearings, public comments, and meetings, and yet the previous Department of Labor continued to push Congress' concerns to the side and legislate from the executive branch.

Again, supporting this resolution means supporting the role of Congress



to write laws and for the laws to be implemented as intended.

I urge my colleagues to support H.J. Res. 42, disapproving of the Department of Labor's regulation of the drug testing on unemployment insurance applicants.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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#### DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERNMENTAL EMPLOYEES

Ms. FOXX. Mr. Speaker, pursuant to House Resolution 116, I call up the joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 116, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 66

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Department of Labor relating to "Savings Arrangements Established by States for Non-Governmental Employees" (published at 81 Fed. Reg. 59464 (August 30, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Ms. FOXX) and the gentlewoman from Oregon (Ms. BONAMICI) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.J. Res. 66.

The Obama administration spent a lot of time and taxpayer dollars emphasizing the need to protect retirement savers, but as was often the case with the previous administration, their rhetoric rarely matched their actions.

For example, the Obama Department of Labor spent years advancing a flawed rule that will limit access to affordable retirement advice for low- and middle-income families. Despite repeated calls for a more responsible approach, the Department pushed forward with an extreme, partisan rule. Then, late last year, the Department finalized two additional rules that will also negatively impact the retirement security of workers. The administration crafted a regulatory loophole that allows States to establish government-run IRAs by circumventing protections workers and employers have enjoyed for decades.

As was usually the case, the actions of the previous administration hurt the very people it claimed to be helping. First, this loophole would lead to fewer protections for retirement savers. Working families will have less information about how their retirement plans are managed, and they will have fewer options if those plans are not managed well. They will also have less control over the money they worked so hard to put away.

We need to honor hardworking taxpayers, Mr. Speaker, who save for their retirement and not have the Federal Government do things to harm them.

The loophole also threatens to inflict significant harm on small business employees. It is already hard enough for many small businesses to provide their employees with retirement options, and this regulation only makes it less likely they will do so. In fact, many small businesses could actually be discouraged from offering 401(k)s or other private sector options. Others could cancel their retirement plans and dump their employees into government-run retirement plans.

Finally, the Obama administration's regulatory action puts taxpayers at risk. We already know that many government-run pension plans for public employees are woefully underfunded. Let me repeat that, Mr. Speaker. We already know that many government-run pension plans for public employees are woefully underfunded. If government-run IRAs for private sector workers are mismanaged, does anyone seriously believe hardworking taxpayers won't be asked to foot the bill?

These may be unintended consequences, but they will be detrimental to workers, retirees, and small business all the same. Too many hardworking men and women struggle to plan for the future and retire with financial security and peace of mind. The resolution under consideration today will close a loophole that threatens that security and peace of mind.

To be clear, these resolutions will not prevent States and cities from providing workers and retirees with new,

innovative retirement options. These resolutions will simply ensure that all workers and retirees enjoy the same protections that have been guaranteed for decades.

I want to thank Representatives WALBERG and ROONEY for leading this effort and working to protect the retirement security of hardworking men and women across the country. I urge my colleagues to support both resolutions.

Mr. Speaker, I reserve the balance of my time.

Ms. BONAMICI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to H.J. Res. 66.

Working families in my home State of Oregon and across the country deserve the opportunity to retire with security and dignity. Unfortunately, that is not a reality for far too many Americans who face a growing retirement security crisis. In fact, nearly 40 million private sector workers, including an estimated 1 million in Oregon, do not have access to retirement savings plans at their jobs.

The AARP and others have noted that people who do not save for retirement risk becoming dependent on social safety net programs that increase costs for taxpayers.

Mr. Speaker, Congress has not stepped up to address our country's retirement security crisis, so several States, including my home State of Oregon, have developed and implemented innovative solutions that will help workers save for retirement.

Oregon's program is set to launch in just 5 months. Workers who do not have access to a retirement plan through their employer will have access to a plan facilitated by the State. It is not mandatory—workers can opt out—and there is minimal paperwork for employees. Oregon's plan is portable, so workers can keep their retirement savings when they change jobs.

Consider Oregonian Penny Wicklander, who has worked hard but hasn't had access to a good retirement plan. Penny managed an apartment complex for low-income seniors, and she saw the hardships that residents faced without retirement security. Some lived on \$10 in the last 10 days of the month. She said, in support of Oregon's plan:

No one wants to retire into poverty and rely on public services, but it's hard to plan for the future when there are so many other financial challenges facing our families. We need a simple retirement account that makes it easy for everyone to save part of what they earn, regardless of where they work.

Bobbie Sotin, a home care worker who cares for seniors and people with disabilities doesn't have access to a retirement savings plan through her employer. Bobbie said:

Working with seniors in poverty, many care providers see their own future every day. Once they reach retirement age, they have to make the decision to live in poverty or keep working until they die. Even if it